



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 7, 2012

Andy Creek Water Users Association
PO Box 756
Naches, WA 98937

RE: Water Right Change Application No. CS4-1318sb17 (YAKI-10-02)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Yakima County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
0.20		90		10		Continuous municipal water supply	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
1) Andy Creek					Rimrock Lake		
2) Well No. BAE-935							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
1) S½	SE	31	14	13 EWM			
2) NE	SE	6	13	13 EWM	38	Yakima	
AT A POINT LOCATED:							
PARCEL NO.							
1) 13143199992							
2) 13130699992							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use shall be the Andy Creek Summer Home Tract within the NW ¼ Section 5, of unsurveyed T 13 N, R 13 EWM, Snoqualmie National Forest and SE ¼ NE ¼ Section 6 T 13 N, R 13 EWM.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
13130599992		NW	5	13	13 EWM		
13130699992	SE	NE	6	13	13 EWM		

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DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Completed	Completed	Completed

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The original surface water diversion on Andy Creek is located in T 14 N. Correct tables and text as needed.
- 2) Add the following to the PROVISIONS section of the ROD:

All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Required installation and maintenance of an access port as described in WAC 173-160- 291(3).

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

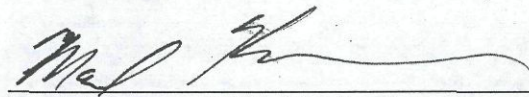
The name and mailing address of the appellant;
Name and address of the appellant's attorney, if any;
The name and address of the Department of Ecology;
The specific application number of the decision being appealed;
A copy of the decision;

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A brief explanation of Ecology's decision;
Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
Facts that demonstrate the appellant is entitled to obtain judicial review;
The appellant's reasons for believing that relief should be granted; and
A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.



Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

MK:MD:ss/121024

Enclosures: *Water Measurement Requirements*
Fish Screening Criteria
Form 1 – Measuring Device Information
Form 2 – Pressurized Flow and Open Channel

By Certified Mail: 7007 2560 0001 7675 7459

cc: Keith Stoffel, Department of Ecology, Easter Region Office (email pdf)
Sylvia Cervantes, Yakima County Conservancy Board
Philip Rigdon, Director Natural Resources Division Yakama Nation
Roger W. Meyer